

## **§ 591.229**

reduction in the COLA rate for any COLA area cannot be effective until the effective date of the first survey conducted in Hawaii and Guam and CNMI under these regulations.

### **§ 591.229 How does OPM inform agencies and employees of COLA rate changes?**

OPM publishes COLA area survey summary reports, MEG and PEG indexes, and COLA rates in the FEDERAL REGISTER. OPM makes survey data and other information available to the public to the extent authorized by the Freedom of Information Act and the Privacy Act.

#### **POST DIFFERENTIALS**

### **§ 591.230 When does OPM establish post differential areas?**

(a) OPM establishes post differential areas in response to agency requests when—

(1) Conditions of environment within the post differential area differ substantially from conditions of environment in the continental United States, and

(2) The major Federal employers within the area believe payment of a post differential is warranted as a recruitment incentive to attract candidates from outside the post differential area to work for the Government in the post differential area.

(b) If a department or agency wants OPM to consider establishing or revising the definition of a post differential area, the head of the department or agency or his or her designee must submit a request in writing to OPM.

### **§ 591.231 Which areas are post differential areas?**

OPM has established the following post differential areas:

- (a) American Samoa as defined in § 591.205,
- (b) Territory of Guam,
- (c) Commonwealth of the Northern Mariana Islands,
- (d) Johnston Atoll (including Sand Island),
- (e) Midway Atoll, and
- (f) Wake Atoll.

## **5 CFR Ch. I (1–12 Edition)**

### **§ 591.232 How does OPM establish and review post differentials?**

(a) OPM establishes a post differential by rulemaking if Government agencies require it for recruitment purposes and if one or more of the following conditions exist:

(1) Extraordinarily difficult living conditions,

(2) Excessive physical hardship, and/or

(3) Notably unhealthful conditions.

(b) OPM periodically reviews with Federal agencies whether conditions of environment have changed in the post differential areas and whether payment of the post differential continues to be warranted as a recruitment incentive.

### **§ 591.233 Who can receive a post differential?**

An employee must meet all of the following conditions to be eligible to receive a post differential:

(a) The employee must be a citizen or national of the United States,

(b) The employee's official worksite or detail to temporary duty must be in the post differential area, and

(c) Immediately prior to being assigned to duty in the post differential area, the employee must have maintained his or her actual place(s) of residence outside the post differential area for an appropriate period of time (generally at least 1 year or more), except as provided in § 591.234.

### **§ 591.234 Under what circumstances may people recruited locally receive a post differential?**

(a) Current residents of the area qualify for a post differential if they were originally recruited from outside the differential area and have been in substantially continuous employment by the United States or by U.S. firms, interests, or organizations.

(b) Examples of persons recruited locally but eligible to receive a post differential include, but are not limited to—

(1) Those who were originally recruited from outside the area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the U.S. Government participates and